

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q96480

Yukihiko MASHIMA

Appln. No.: 10/593,103

Group Art Unit: 1634

Confirmation No.: 9096

Examiner: Amanda Marie Shaw

Filed: September 15, 2006

For: METHOD FOR DIAGNOSING OR PREDICTING SUSCEPTIBILITY TO OPTIC
NEUROPATHY

DECLARATION UNDER 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Dr. Yukihiko MASHIMA, hereby declare and state:

THAT I am a citizen of Japan;

THAT I am the inventor of the invention disclosed and claimed in the above-identified U.S. Patent Application and hence I am fully familiar therewith;

THAT I am familiar with the Office Action dated September 9, 2009, in which Claims 2-6 and 13 of the above-identified Application are rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over Ishikawa *et al.* (*J. Glaucoma*, 2004, 13(6): 466-471), in view of Umeda *et al.* (*Invest. Ophthalmol. Vis. Sci.*, 2003, 44: E-Abstract 1111) and Mukhopadhyay *et al.* (*Molecular Vision*, 2004, 10:304-314);

THAT I am a co-author of the Ishikawa *et al.* article (*J. Glaucoma*, 2004, 13(6): 466-471) cited against the above-identified Application;

THAT I am the inventor of the subject matter disclosed in Ishikawa *et al.* (*J. Glaucoma*, 2004, 13(6): 466-471) cited against the above-identified Application;

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THAT the disclosure in Ishikawa *et al* (*J. Glaucoma*, 2004, 13(6): 466-471) upon which the Examiner relies as the basis for the rejection under 35 U.S.C. § 103(a), was derived from my own inventive work.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Date: 2/3/2010



Dr. Yukihiro MASHIMA